

REMARKS

The Final Office Action dated January 11, 2005 has been fully considered by the Applicant. Claims 1-8, 12-13, 15-17 and 20 have been canceled. Claims 9 and 19 have been currently amended. Claims 10-11, 14 and 18 have been previously presented.

Attached is a Three-Month Request for Extension of Time, along with a check to cover the Extension fee.

Claim 19 has been objected to because of informalities. Claim 19 has been currently amended to correct the informality.

Claims 9-10, 14 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,757,705 to Maslow in view of United States Patent No. 3,719,389 to Burton et al.

Applicant believes that currently amended independent claim 9 is patentable over the cited references. Currently amended claim 9 teaches the method of forming a mechanical joint by taking a first elongated member and forming an opening therein depending from one edge of the elongated member to leave a single thickness band of material at said opening formed in the first elongated member to reveal an interior surface of said first elongated member. The '705 Maslow patent does not teach a method of forming a mechanical joint by taking a first elongated member and forming an opening therein and after the opening is formed in the first elongated member a single thickness band of material is formed to reveal the interior surface of the elongated member. The interior surface of the elongated member, which was formed by forming the opening in the elongated member, is mateable with a second member which is positionable in the opening. The second member is then trapped and engaged in the opening formed in the elongated member by moving the

first elongated member to such a degree to move first and second edges of the opening formed in the elongated member toward one another. Neither the '705 Maslow patent or the '389 Burton et al patent teach Applicant's invention and, therefore, Applicant sincerely requests reconsideration of the rejection.

In the '389 Burton et al patent there is no band of material provided in the member as in Applicant's invention. In the '389 Burton et al patent the section which is to be formed around the other member is heated and a mandrel is used to form a desired shape. In Applicant's invention, the other member is used as a former and, therefore, no mandrel is required. The forming operation which is required in the '389 Burton et al patent is not required in Applicant's invention.

Furthermore, in the '389 Burton et al patent, no single thickness band of material is formed on the member that is to be moved. Instead, in the '389 Burton et al patent, the section of the member which is to be placed around the other member is flattened by heat which leads to a bulbous shape. It can be easily seen that this can be achieved because the '389 Burton et al patent is only dealing with thermo plastic. In Applicant's invention, because the single thickness band of material is formed, the adjacent parts of that member can be moved around the other member without the need for heating, and a simple application of force to the parts of the member adjacent to the single thickness band allows the same to be moved around the other member, which is used as a former, so that the mechanical joint can be achieved straight away.

Furthermore, Applicant's invention can be used on any form of material and is not confined to use with thermo plastic material, as the particular heating affects which are disclosed in '389 Burton et al patent are not required in Applicant's invention. Thus, the mechanical joint of Applicant's invention can be formed of any material as the provision of the band of material means

that only the band is formed around the other member rather than the whole tubular member being required to be formed around the other member. It is, therefore, easy to see that Applicant's invention of providing the formation of the band of material in the member has a clear advantage over the cited references.

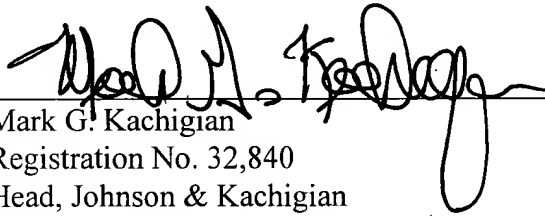
In summary, the Maslow '705 patent and the Burton et al '389 patents do not disclose or teach Applicant's currently amended claim 9 method of forming a mechanical joint by taking a first elongated member and forming an opening therein and after the opening is formed in the first elongated member a single thickness band of material is formed to reveal the interior surface of the elongated member. The interior surface of the elongated member, which was formed by forming the opening in the elongated member, is mateable with a second member which is positionable in the opening. The second member is then trapped and engaged in the opening formed in the elongated member by moving the first elongated member to such a degree to move first and second edges of the opening formed in the elongated member toward one another. These steps are not found in the cited references. Applicant's remaining claims are dependent on claim 9 and are believed allowable for the same reasons are set forth herein. Applicant sincerely believes that the claims as currently amended are patentable over the cited references and respectfully requests reconsideration of the rejection.

Finally, it is untenable to combine the teaching of the Maslow '705 patent and the Burton et al '389 patent together to reach the present invention. Absent some suggestion or motivation supporting the combination of references, the references may not properly be combined. "The mere fact that references *can* be combined or modified does not render the resulting combination obvious unless the prior art suggests the desirability of the combination". M.P.E.P. Section 2143.01

(Emphasis in original). Further, it is necessary for the Examiner to set forth *evidence* that one of ordinary skill in the art would have been led to combine the teaching of the applied references. Accordingly, Applicant respectfully submits that claims 4 and 13 are allowable over the art of record.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark G. Kachigian', is written over a horizontal line.

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